

By: Schwertner

S.B. No. 1978

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of theft of cattle, horses, exotic livestock, exotic fowl, sheep, swine, or goats; increasing a criminal penalty; imposing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.023 to read as follows:

Art. 102.023. FEE FOR THEFT OF LIVESTOCK. (a) On conviction of an offense under Section 31.03, Penal Code, involving the theft of cattle, horses, exotic livestock, exotic fowl, sheep, swine, or goats, the defendant shall pay a fee of \$20.

(b) An officer who collects a fee under this article shall remit the fee to the Texas and Southwestern Cattle Raisers Association, to be used only for purposes of the special rangers appointed under Article 2.125.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person is placed on community supervision, including deferred adjudication community supervision; or

(3) the court defers final disposition of the person's case.

SECTION 2. Article 103.004, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (b) to read as follows:

1 (a) Except as provided by Subsections (b) and [~~Subsection~~
2 (c), an officer who collects recognizances, bail bonds, fines,
3 forfeitures, judgments, jury fees, and other obligations recovered
4 in the name of the state under any provision of this title shall
5 deposit the money in the county treasury not later than the next
6 regular business day after the date that the money is
7 collected. If it is not possible for the officer to deposit the
8 money in the county treasury by that date, the officer shall deposit
9 the money in the county treasury as soon as possible, but not later
10 than the fifth regular business day after the date that the money is
11 collected.

12 (b) An officer who collects a fine imposed for an offense
13 under Section 31.03, Penal Code, involving the theft of cattle,
14 horses, exotic livestock, exotic fowl, sheep, swine, or goats shall
15 remit the fine as follows:

16 (1) 90 percent of the fine to the victim or victims of
17 the offense in equal amounts; and

18 (2) 10 percent of the fine to the Texas and
19 Southwestern Cattle Raisers Association, to be used only for
20 purposes of the special rangers appointed under Article 2.125.

21 SECTION 3. Subchapter B, Chapter 103, Government Code, is
22 amended by adding Section 103.02102 to read as follows:

23 Sec. 103.02102. ADDITIONAL FEE FOR CERTAIN CASES INVOLVING
24 THEFT OF LIVESTOCK: CODE OF CRIMINAL PROCEDURE. On conviction of an
25 offense under Section 31.03, Penal Code, involving the theft of
26 cattle, horses, exotic livestock, exotic fowl, sheep, swine, or
27 goats, the defendant shall pay a fee of \$20 under Article 102.023,

1 Code of Criminal Procedure.

2 SECTION 4. Sections 31.03(e) and (g), Penal Code, are
3 amended to read as follows:

4 (e) Except as provided by Subsection (f), an offense under
5 this section is:

6 (1) a Class C misdemeanor if the value of the property
7 stolen is less than \$100;

8 (2) a Class B misdemeanor if:

9 (A) the value of the property stolen is \$100 or
10 more but less than \$750;

11 (B) the value of the property stolen is less than
12 \$100 and the defendant has previously been convicted of any grade of
13 theft; or

14 (C) the property stolen is a driver's license,
15 commercial driver's license, or personal identification
16 certificate issued by this state or another state;

17 (3) a Class A misdemeanor if the value of the property
18 stolen is \$750 or more but less than \$2,500;

19 (4) a state jail felony if:

20 (A) the value of the property stolen is \$2,500 or
21 more but less than \$30,000, or the property stolen is less than 10
22 head of sheep, swine, or goats or any part thereof under the value
23 of \$30,000;

24 (B) regardless of value, the property is stolen
25 from the person of another or from a human corpse or grave,
26 including property that is a military grave marker;

27 (C) the property stolen is a firearm, as defined

1 by Section 46.01;

2 (D) the value of the property stolen is less than
3 \$2,500 and the defendant has been previously convicted two or more
4 times of any grade of theft;

5 (E) the property stolen is an official ballot or
6 official carrier envelope for an election; or

7 (F) the value of the property stolen is less than
8 \$20,000 and the property stolen is:

9 (i) aluminum;

10 (ii) bronze;

11 (iii) copper; or

12 (iv) brass;

13 (5) a felony of the third degree if the value of the
14 property stolen is \$30,000 or more but less than \$150,000, or the
15 property stolen is:

16 (A) cattle, horses, [~~or~~] exotic livestock, or
17 exotic fowl [~~as defined by Section 142.001, Agriculture Code,~~]
18 stolen during a single transaction and having an aggregate value of
19 less than \$75,000 [~~\$150,000~~]; or

20 (B) 10 or more head of sheep, swine, or goats
21 stolen during a single transaction and having an aggregate value of
22 less than \$75,000 [~~\$150,000~~];

23 (6) a felony of the second degree if:

24 (A) the value of the property stolen is \$150,000
25 or more but less than \$300,000; [~~or~~]

26 (B) the value of the property stolen is less than
27 \$300,000 and the property stolen is an automated teller machine or

1 the contents or components of an automated teller machine; or

2 (C) the property stolen is:

3 (i) cattle, horses, exotic livestock, or
4 exotic fowl stolen during a single transaction and having an
5 aggregate value of \$75,000 or more but less than \$225,000; or

6 (ii) 10 or more head of sheep, swine, or
7 goats stolen during a single transaction and having an aggregate
8 value of \$75,000 or more but less than \$225,000; or

9 (7) a felony of the first degree if the value of the
10 property stolen is \$300,000 or more, or the property stolen is:

11 (A) cattle, horses, exotic livestock, or exotic
12 fowl stolen during a single transaction and having an aggregate
13 value of \$225,000 or more; or

14 (B) 10 or more head of sheep, swine, or goats
15 stolen during a single transaction and having an aggregate value of
16 \$225,000 or more.

17 (g) For the purposes of Subsection (a), a person is the
18 owner of exotic livestock or exotic fowl [~~as defined by Section~~
19 ~~142.001, Agriculture Code,~~] only if the person qualifies to claim
20 the animal under Section 142.0021, Agriculture Code, if the animal
21 is an estray.

22 SECTION 5. Section 31.03(h), Penal Code, is amended by
23 adding Subdivision (5) to read as follows:

24 (5) "Exotic livestock" and "exotic fowl" have the
25 meanings assigned by Section 142.001, Agriculture Code.

26 SECTION 6. The change in law made by this Act applies only
27 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is
2 governed by the law in effect when the offense was committed, and
3 the former law is continued in effect for that purpose. For
4 purposes of this section, an offense was committed before the
5 effective date of this Act if any element of the offense occurred
6 before that date.

7 SECTION 7. This Act takes effect September 1, 2017.